



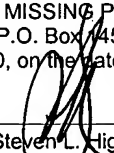
## FULBRIGHT & JAWORSKI L.L.P.

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January 20, 2005

CERTIFICATE OF MAILING 37 C.F.R. 1.8	
I certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: MS MISSING PARTS, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below:	
January 20, 2005	
Date	Steven L. Highlander

**MS MISSING PARTS**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

RE: *U.S. Patent Application No 10/848,820 entitled "INHIBITION OF PROTEIN KINASE C-MU (PKD) AS A TREATMENT FOR CARDIAC HYPERTROPHY AND HEART FAILURE" – Timothy A. McKinsey et al.*  
*Our reference: MYOG:044US*

Sir:

Please find enclosed:

- (1) A Response to Notice to File Missing Parts of Nonprovisional Application filed under 37 C.F.R. 1.53(b) mailed July 20, 2004;
- (2) Three Declarations
- (3) Power of Attorney;
- (4) Preliminary Amendment;
- (5) Request for Extension of Time;
- (6) Copy of Notice to File Missing Parts of Nonprovisional Application filed under 37 C.F.R. 1.53(b)-Filing Date Granted;
- (7) Check in the amount of \$3,405.00; and


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Commissioner for Patents  
January 20, 2005  
Page 2

- (8) A return postcard to acknowledge receipt of these materials. Please date stamp and mail this postcard.

If the check is inadvertently omitted, or the amount is insufficient, or should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed materials, or should an overpayment be included, the Commissioner is authorized to deduct or credit the appropriate fees from or to Fulbright & Jaworski Deposit Account No.: 50-1212/MYOG:044US.

Respectfully submitted,



Steven L. Highlander  
Reg. No. 37,642

SLH/mar  
Encl: as noted



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
Timothy A. McKinsey et al.

Serial No.: 10/848,820

Filed: May 19, 2004

For: INHIBITION OF PROTEIN KINASE C-  
MU (PKD) AS A TREATMENT FOR  
CARDIAC HYPERTROPHY AND  
HEART FAILURE

Group Art Unit: 1614

Examiner: Unknown

Atty. Dkt. No.: MYOG:044US

CERTIFICATE OF MAILING 37 C.F.R. 1.8	
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January 20, 2005	
Date	Steven Highlander

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL  
APPLICATION FILED UNDER 37 CFR 1.53(B)**

MS MISSING PARTS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

In response to the Notice to File Missing Parts of Nonprovisional Application filed under 37 CFR 1.53(b), dated July 20, 2004, enclosed are:

- (a) Three Declarations executed on behalf of Timothy A. McKinsey, Eric Olson, and Rick B. Vega;
- (b) A Power of Attorney on behalf of Myogen, Inc.;
- (c) Preliminary Amendment;

- (d) Our check in the amount of \$3405.00 to cover the basic filing fee (\$395.00 – utility small entity); surcharge for late filing (\$65.00); additional claims fee (\$2,150.00); four month extension of time fee (\$795.00);
- (e) A copy of Notice to File Missing Parts of Nonprovisional Application filed under 37 CFR 1.53(b); and
- (f) A Request for Extension of Time of four months to and including January 20, 2005. Should such request be absent, consider this such a request and authorization to withdraw the appropriate fee under 37 C.F.R. §§ 1.16 to 1.21 as stated below.

Assignments to Myogen, Inc. and Board of Regents, The University of Texas System and checks for \$40.00 each are being filed under separate cover.

If the check is inadvertently omitted, or should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed materials, or should an overpayment be included herein, the Commissioner is authorized to deduct or credit said fees from or to Fulbright & Jaworski Deposit Account No.: 50-1212/MYOG:044US.

Please date stamp and return the accompanying postcard to evidence receipt of these documents.

Respectfully submitted,



Steven L. Highlander  
Reg. No. 37,642  
Attorney for Applicants

FULBRIGHT & JAWORSKI L.L.P.  
600 Congress Avenue, Suite 2400  
Austin, Texas 78701  
(512) 474-5201

Date: January 20, 2005



## UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/848,820	05/19/2004	Timothy A. McKinsey	MYOG:044US

FULBRIGHT & JAWORSKI L.L.P.  
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 AUSTIN, TX 78701-3271



CONFIRMATION NO. 4787

## FORMALITIES LETTER



\*OC000000013283256\*

Date Mailed: 07/20/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

01/27/2005 SSITHIB1 00000179 10848820

01 FC:2051  
 02 FC:2001  
 03 FC:2201  
 04 FC:2202

65.00 OP  
 395.00 OP  
 1400.00 OP  
 750.00 OP

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 385 to complete the basic filing fee for a small entity.*
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of \$1313 as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$1763 for a Small Entity

- \$385 Statutory basic filing fee.
- \$65 Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is \$1313

- \$602 for 14 independent claims over 3.
- \$711 for 79 total claims over 20.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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*A copy of this notice MUST be returned with the reply.*



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Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE